IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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TUESDAY, THE TWENTY FOURTH DAY OF JANUARY

TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WP.No.1051 OF 2006

Between:

Smt.Sulochana Devi … Petitioner

Versus

The Chairman & Managing Director,

CPDC of A.P. Ltd. (AP Transco), Hyderabad

& Ors. … Respondents

Counsel for the Petitioner: Mr. G.CHANDRA SEKHARA RAO

Counsel for the Respondents: GP for TRANSCO

O R D E R :

This writ petition is filed to declare the provisional assessment notice no. ADE/OP/APCPDCL/amangal/D.NO.438, dated 19-12-2005 of the third respondent as illegal, arbitrary and is in violation of the Electricity Act, 2003 and further direct the respondents to pass final assessment order by the following the procedure laid down in Section 126 of the Electricity Act, 2003.

The petitioner questions the action of the third respondent in disconnecting the power supply in respect of his service connection bearing no.158 in connection with the poultry farm while provisionally estimating the value of the energy pilfered at Rs.1,70,111-00. Pursuant to the inspection made on 08-12-2005 when the irregularities have been found the service connection was disconnected on the same day on 08-12-2005 and thereafter the provisional assessment notice dated 19-12-2005 has been issued assessing pilferage amount provisionally and for the restoration of the power supply, the petitioner was directed to deposit 50% of the assessed amount under section 126 of the Electricity Act, 2003.

It is contended that the service connection cannot be disconnected based on the provisional assessment notice unless reasonable opportunity of calling for the objections has been issued and a final assessment order is passed under section 126 of the Electricity Act, 2003.

It is stated that the petitioner has paid an amount of Rs.21,506-00 and obtained restoration of the said service connection.

Having regard to the facts and circumstances of the case, I consider it appropriate that the respondents are directed not to disconnect the power supply for the non-payment of the balance provisional assessment amount unless and until the objections that may be filed by the petitioner is considered and a final assessment order is passed under section 126 of the Electricity Act, 2003. However, the

petitioner is directed to submit his objections within one week from the date of receipt of a copy of this order.

With the above direction, the writ petition is accordingly disposed of at the admission stage. No costs.

JANUARY 24th, 2005. ----------

l s L. **V. ESWARAIAH, J**.